

PART B – CAPITAL IMPROVEMENT CONSTRUCTION PROJECTS SUBJECT TO SBAC PROCEDURES

CHAPTER 4 – PROFESSIONAL DESIGN SERVICES (ON-CALL PROJECTS) SELECTION AND FEES

1.0 General Information

- 1.1 The purpose of on-call capital improvement projects is to provide state agencies with a means of assigning projects of smaller scope and budgets without advertising for each project. By statute each on-call architectural project's construction cost cannot exceed \$750,000 and each on-call engineering project's construction cost cannot exceed \$500,000. ([K.S.A. 75-1253](#))
 - 1.1.1 Architectural and/or engineering services on small projects can be provided by an agency project architect, agency project engineer, a DCC design project architect, a DCC design project engineer, or an on-call project architect or on-call project engineer.
- 1.2 A large capital improvement project shall not be subdivided to create multiple separate projects that would allow the use of an on-call contract.
- 1.3 Advertisements for on-call contracts shall identify the specific professional services required for the contract. Selection of a design professional will be based on the specific services advertised. No additional or supplemental services, except as identified in subparagraph 6.1.1 below, will be allowed to be added to the contract at the time project services are provided.
- 1.4 Advertisements will identify the number of firms being selected.

2.0 Negotiating Committee Responsibilities

- 2.1 A Negotiating Committee is established to interview the nominated architectural or engineering firms, and to select and negotiate fees with the selected firm. Each Negotiating Committee shall consist of the following members ([K.S.A. 75-1250\(b\)](#)):
 - 2.1.1 The head of the state agency for which the proposed project is planned or of the state agency that controls and supervises the operation and management of the institution for which the proposed project is planned, if such is the case, or a person designated by the head of the agency;
 - 2.1.2 The head of the institution for which the proposed project is planned, or a person designated by the head of the institution. When the proposed project is not planned for an institution, the state agency head shall designate a second person in lieu of the head of an institution; and
 - 2.1.3 The Secretary of Administration, or a person designated by the Secretary, who shall act as chairperson of the committee.
- 2.2 When the Negotiating Committee is notified of the State Building Advisory Commission's (SBAC) firm nominations, the DCC chair committee will schedule interviews. Each Negotiating Committee member will have the following:
 - 2.2.1 Each firm's project proposal as delivered to DCC in response to the project advertisement.
- 2.3 The Negotiating Committee shall interview each of the firms regarding the anticipated project(s) and select a firm(s).
- 2.4 The agency may invite other agency personnel to attend the interviews. The additional personnel do not have a vote in selection but may be allowed to comment on their impressions of the interviews.

3.0 Interview Content

- 3.1 In preparing for interviews the Negotiating Committee suggests the firms consider the following:
 - 3.1.1 Call and discuss the project with the agency contact person identified in the advertisement.
 - 3.1.2 Visit the site. This is your best way of understanding the building(s) and the campus.
 - 3.1.3 Bring to the interview the staff members that will be working directly with the agency on the project.
 - 3.1.4 Consultants being included in the project team and consider their attendance at the interview.
 - 3.1.5 If providing handouts or presenting a PowerPoint, check spelling and content.
 - 3.1.6 Include in your presentation, projects that are similar in scope and content to the project for which the interviews are being conducted.
 - 3.1.7 If your staff assigned to the project changes between the proposal and the interview, please bring resumes for the added or changed staff.

4.0 Interview Procedures

- 4.1 Firms nominated for a project will be notified via e-mail by DCC of the interview date.
- 4.2 DCC's goal is for all interviews for a project to occur on the same date and each firm will be allotted the same amount of time for their presentation and questions & answers.

5.0 Selection

- 5.1 Immediately following the interviews, the Negotiating Committee will convene to discuss the interviews.
- 5.2 If possible, the Negotiating Committee will make their selection the same day as the interviews.
- 5.3 Firms will be notified by DCC via e-mail of the Negotiating Committee's selection.
- 5.4 The SBAC will be notified of the selected firm.
- 5.5 The selected firm will be announced at [www.da.ks.gov/fp /Advertisements.htm](http://www.da.ks.gov/fp/Advertisements.htm) after the firms are notified via e-mail.

6.0 On-Call Contract Guidelines

- 6.1 Architectural and/or engineering service on-call contracts may be written for architects, engineers, and landscape architects that are governed by the Kansas Board of Technical Professions.
 - 6.1.1 Architectural and mechanical, electrical, plumbing (MEP) engineering on-call contracts can provide supplemental services required for the project within the limitations outlined in parts 6.3 and 6.4 of this chapter.
 - 6.1.2 Landscape architects, structural, civil, fire protection, and similar engineer on-call contracts can provide only services of their specific discipline.

- 6.1.2.1. Those projects that require multiple disciplines must use an architect or an MEP engineer on-call contract.
- 6.2 Non-architectural and/or non-engineering service on-call contracts **may** be written for interior designers, restoration designers, mapping consultants, environmental designers, and others not governed by the Kansas Board of Technical Professions.
 - 6.2.1 The on-call contract will be written for the non-architectural and/or non-engineering services advertised. No architectural and/or engineering services may be provided by an architect or engineer member of the firm under this contract and no consultants may be added to the contract.
- 6.3 On-call architectural design services
 - 6.3.1 An on-call contract shall be written only to an architectural firm as the prime vendor, either to provide stand-alone architectural services or with consultants to provide integrated architectural and engineering services.
 - 6.3.2 Only an architectural on-call contract shall be used for a project comprised of 50% or more of architectural services, regardless of the construction cost up to the \$750,000 construction cost limit.
 - 6.3.3 An architectural on-call contract may be used for a project comprised of 50% or more of engineering services with an engineering consultant, and under the \$500,000 construction cost limit.
 - 2.3.3.1 An architectural on-call contract may not be used for engineering-only services or to circumvent the use of an on-call engineer contracted by an agency.
- 6.4 On-call engineering design services
 - 6.4.1 An on-call contract shall be written to an engineering firm as the prime vendor to provide stand-alone engineering services.
 - 6.4.2 Projects comprised of engineering design services may not increase the construction cost limit above \$500,000 by adding an architectural firm as a consultant.
 - 6.4.3 An MEP engineering on-call contract may add an architectural or non-MEP engineering consultant(s) to provide minor architectural or non-MEP engineering design services.
 - 6.4.4 A civil engineering on-call contract may add an architectural consultant to provide minor architectural design services.
 - 6.4.5 All non-MEP engineering on-call contracts are limited to their discipline design category.
 - 6.4.6 Architectural design services prohibited by the Kansas Board of Technical Professions to be performed by engineers will not be performed using a stand-alone engineer on-call contract.
- 6.5 Statewide on-call contracts are available by request through DCC for use by agencies that do not have an on-call contract and have infrequent need for such services.
- 6.6 Reference Part B - Chapter 2 for the application and nomination process for on-call Project Architect/Engineer.
- 6.7 Non-compliant use of an on-call contract may result in a project delay, to include making corrections or not receiving approval to release the project for bidding.

- 6.7.1 Firms shall not accept work immediately prior to the expiration date of their 3-year contract without demonstrating to DCC that substantial progress can be made.
 - 6.7.2 Firms shall not accept partial work on a project that's total construction estimate is greater than on-call contract limits, i.e. \$750,000 for architectural projects, \$500,000 for engineering projects.
- 6.8 On-call contracts will not be written for ancillary technical services such as surveying, geo-technical services, and various testing services incidental to the project design services. DCC maintains a pool of firms selected to provide ancillary technical services. Reference Part A – Chapter 3.
- 7.0 Project Architect/Engineer Fees
 - 7.1 Upon selection, the Project Architect/Engineer is asked to send their firm's hourly rates for the current year. These become the basis for the calculation of fees for each project assigned. Firms are allowed to forward updated, hourly rates to DCC annually.
 - 7.2 The agency determines the contract type, either a lump sum with Authorization to Proceed for each project, or a contract/amendment for each project.
 - 7.3 Each contract for professional services negotiated shall be entered into between the Secretary of Administration or the agency and the firm selected. ([K.S.A. 75-1258](#))
 - 7.4 Fees for on-call projects are negotiated between the Project Architect/Engineer and the agency.
 - 7.5 Contracts are routed for signatures by e-mail from Department of Administration Legal office. Once a contract is fully signed, it will be forwarded to the Project Architect/Engineer, the agency and DCC by e-mail.
- 8.0 Payments for Architectural/Engineering Services
 - 8.1 The on-call Project Architect/Engineer shall submit all invoices to the agency with whom the firm is contracted.

END OF CHAPTER